

## BOOK REVIEW

**CONSUMER PROTECTION IN THE 'INFORMATION ECONOMY'****Ionica Holban (Oncioiu)\****Tomis University, Constanta, Romania***Jane K Winn - Consumer Protection in the 'Information Economy'**

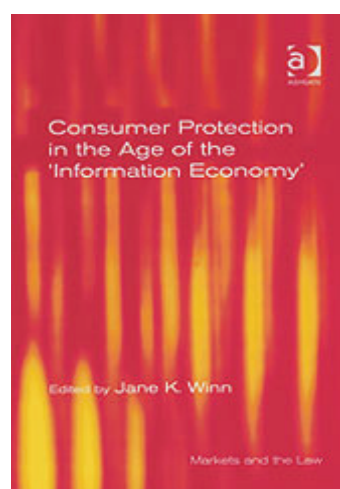
"Consumer Protection in the 'Information Economy' " is a bold book published in 2006. An internationally renowned specialist, Jane K Winn, wrote this book in a manner that highlights the conceptual changes with regard to consumer protection that could eventually balance the existing asymmetry in relation to practical knowledge, despite consumer protection reforms of the past.

This book provides a framework for the relationship between the basic objectives of consumer protection legislation and technological innovation, in order to meet the requirements of a sustainable future. There are interesting blends of theoretical analysis with case studies, which are meant to underline the importance of control over intellectual capital and confidentiality of information.

The author of this book seeks to obtain answers to two important questions: what does the access to secret information in practical knowledge mean and how can it be used to solve real problems concerning consumer protection?

Jane K Winn presents her point of view regarding the reducing of costs for individual consumers, including those who consume organic products, within the framework of an interactive process that should be based also on respecting the principle of sustainable development. The author argues for an alternative to what she calls „private principles of consumer protection”, which should be able to provide better guidance for shaping a world in which we can satisfy the needs of the present generation (including those of organic products), without threatening the equally valid needs of the future generations.

The concept of „consumer of online products” is clearly not new: it has been coined long time ago, so there is certainly nothing surprizing in asserting it. The book refers especially in its theoretical part to using the power of technology in order to provide „mass customization” that could eventually exceed the practical knowledge asymmetry that



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persisted between commercial lenders and consumer borrowers in spite of reforms regarding consumer protection performed in the past.

Quite interesting is the further treatment of the need to improve the payment systems used by consumers in the context of a future economical growth without restrictions and constraints imposed by business ethics. Jane K. Winn criticizes in this point those who do not think that protecting consumer rights is a “necessary evil” dictated by both the economic and financial cycle. The author notes that behind *the changing of the modern consumer’s special status stands a lack of information concerning their interests coupled with an unitary management of legislation in this field*.

Jane K. Winn approaches next various aspects of consumer rights in e-commerce. This approach reveals the role of electronic technologies for protection of content distribution and of visible creative thought content. Moreover, she also discusses and underpins with examples in a special section the controversial relationship between innovators and consumers in the realm of intellectual property law.

We are thus invited to recognize the importance of assessing the role of consumer protection legislation in the digital economy.

The concept of *consumer who benefits from technological developments* is the best one presented, which should be acknowledged because, according to the author, the new economy recognizes the limited resources, and manages to highlight the rhetorical questions about harmonization of legislation on the rights of end consumers, particularly on the topic of the organic products.

A close reading of this book discloses the requirement to reconsider what we understand by evidence of malfunctioning of consumer education. Therefore, not all laws that are labelled as consumer protection laws are really designed to look after the interests of consumers.

Jane K. Winn considers that we must find a new way of thinking and of addressing the issue of sustainable economic development that meets the real needs of consumers in an age which the author described it as the “age of disinformation and widespread consumer victimization”.

The author offers a fresh theoretical and practical formulation by inquiring the general content of employed concepts and converting some of the metaphors in scientific concepts and genuine economic categories. While surveying the confrontations of current ideas on this topic, the author articulates her own theoretical standpoint by extracting and blending relevant elements for her own construction, outlining hereby a coherent and original set of judgments.

The book is dense and provides the specialists, but also the general public, with a valuable collection of facts and ideas. Although the topic leaves little room for theoretical innovation, the author captures the attention by approaching an extensively debated issue in the legislative, social or psychological research fields, succeeding hereby to organize her discussion around economic benchmarks other than those rooted in marketing, in an own pleasant style.

The author avoids reiterating already trivialized views and identifies less discussed research directions in the complex landscape of consumer protection issues. She manages to express already known things in an original manner and combine them harmoniously with valuable

and exciting opinions of her own. The book is overall distinguished by the conceptual harmony and the chosen topic on which much has been said, but not enough. Therefore, Jane K Winn's aim is to plead for the importance of direct and indirect consumer protection as an instrument to ensure its sovereignty on the market economy, and its conceptualization as a complex partnership established between the main subjects involved, namely market, public power, the producer and not least the consumer himself, is remarkable.

The introduction of some pillars of support and guidance during the reading should be also emphasized: the account is gradually articulated starting from general to particular, from conceptual clarification to constructive critical analysis, from the takeover of appropriate theoretical input to the outlining of own views on consumer protection during an ongoing dialogue with other experts' standpoints in the scholarship.

One should note that in this type of economy the consumer's requirements are directing attitudes, beliefs and values. Jane K. Winn's position is that in the future consumers will remain on their own in this respect, because most people have no idea what such a world would reveal and what they will need to develop a sustainable future. Therefore, the *integration of business, ethics and environment* will not be an easy one. The author is convinced that the real problems of consumer protection can be solved, but this requires a revolutionary change in what the respect for the end consumer means.

The originality of this book construction results further from the arrangement and interconnections of its sections: from traditional concepts about consumer behavior, which oscillates back and forth between rationality and irrationality, gradually advancing to the interpretation of consumer protection issues in the e-economy and its characteristic in the broader international context, ending the account with an analysis of the particular features of the consumer protection's process. The author proposes concrete solutions based on the insights gained in both the theoretical and practical part of the survey.

The author attempts to re-establish in the end of the book the concept of consumer from the perspective of the legislation regarding its protection and pleads for designing networks of cooperation in this field.

Jane K. Winn draws also the attention on the debates over a future that recognizes the economic and ethical values. Consumerism has been addressed both in the prosperity policy and necessary policy, as well as in recent criticism of globalization, which have revived criticism of consumer culture of the previous generations.

#### About the author



Professor Winn is a principal professor of law at Charles I and Co-Director, Law, Technology & Arts Group (formerly Shidler Center) at University of Washington School of Law, Seattle, Washington. She is an international authority in the field of electronic commerce, technological issues and information security governance. Her field of research includes electronic commerce, the evolution of law in the United States, European Union and China. She is coauthor of *Law of Electronic Commerce* and the casebook *Electronic Commerce*. In 2007 she taught on cyber security law and electronic commerce law, as part of Masters of Law course at the Law Faculty at University of Melbourne.